

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

S

DATED THIS THE 2ND DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No.31946/1994

1. Bharmma S/o Balappa Haragi,  
major, Occ: Agriculture,  
R/o Shirahatti Khurd,  
Taluk: Hukeri,  
District: Belgaum.
2. Mahaveer S/o Balappa Haragi,  
major, Occ: Agriculture,  
R/o Shirahatti, Khurd,  
Taluk: Hukeri,  
District: Belgaum.
3. Kumar S/o Balappa Haragi,  
major, Occ: Agriculture,  
R/o Shirahatti Khurd,  
Taluk: Hukeri,  
District: Belgaum.. Petitioners

(By Smt.Shantha W.Joshi,  
Advocate)

Vs.

1. The Asst. Commissioner,  
Belgaum Sub-Division,  
Belgaum.
  2. The Taluka Sheristedar,  
Hukeri, Dist: Belgaum.
  3. Jianappa Lagamappa  
Sarapure, major,  
Occ: Agriculture,  
R/o Shirahatti Khurd,  
Taluk: Hukeri,  
District: Belgaum.
- .. Respondents

(By Sri N.P.Singri,  
HCGP for Respondents  
1 and 2;  
Sri Ravi S.Balikai,  
Adv. for Respondent-3)

60

Writ Petition filed under Articles 226 and 227 of the Constitution of India seeking quashing of the order dated 12-7-1994 passed by the first respondent vide Annexure-B, etc.

This petition coming on for hearing before Court this day, the Court made the following:

**O R D E R**

In this petition, the petitioners have challenged the order dated 12th of July 1994, a copy of which has been produced as Annexure-B, passed by the second respondent.

2. Learned Counsel for the petitioners submitted that the impugned order is illegal and suffers from the errors apparent on the face of the record inasmuch as the said order came to be passed without application of mind and without assigning any reasons in support of the conclusion reached by the first respondent that the third respondent is the member of the family of the petitioners. He also submitted that the order impugned is not a speaking order.

3. I have been taken through the order impugned. I find considerable force in the submission made by the learned Counsel for the petitioners. As rightly pointed out by




the learned Counsel for the petitioners, the order impugned is not a speaking order. Under these circumstances, I am of the view that it would be in the interest of justice to quash the order impugned and remit the matter for fresh consideration to the first respondent.

4. Accordingly, the impugned order Annexure-B is hereby quashed and the matter is remitted to the first respondent for fresh consideration.

5. The petitioners and the third respondent are directed to appear before the first respondent on 6th of July 1998 at 3-00 p.m., for the purpose of fresh enquiry. The first respondent shall pass fresh orders within three months from 6th of July 1998 after giving opportunity to all the parties who are likely to be affected.

6. In terms stated above, this petition is allowed and disposed of. Rule issued is made absolute.



62

7. Sri N.P.Singri, learned Government Pleader, is permitted to file his memo of appearance within four weeks from today.

Sd/-  
JUDGE



ANB.